

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In re: **JASON TOMPKINS** , : Chapter **13**
Debtor , : Case No. **5:18-bk-02383**

**AMENDED MOTION TO SELL REAL PROPERTY OF THE ESTATE SUBJECT TO
11 USCS 363(B) : 131 Willow Drive - Hemlock Farms, Blooming Grove, Tax Map#
107.04-02-65, Pike County, Pennsylvania**

AND NOW COMES, Debtor Jason Tompkins, by and through undersigned counsel, Mark E. Moulton, and brings the instant Amended Motion To Sell Real Property Of The Estate Subject TO 11 USCS 363(B) 131 Willow Drive - Hemlock Farms, Blooming Grove, Tax Map# 107.04-02-65, Pike County, Pennsylvania, seeking authority to sell said property, pursuant to 11 U.S.C. Sections 363 and 1303, to Michael Joseph Considine and Sarah Ellen Considine, unrelated third parties, or their assignees , for One Hundred Sixty Five Thousand (\$165,000) dollars, and in support thereof avers:

- 1) The Court has jurisdiction of this matter pursuant to 28 U.S.C. § 157 and 28 U.S.C. § 1334.
- 2) On the date of the petition, June 06, 2018, there existed real property of the estate located at and known as **131 Willow Drive - Hemlock Farms, Blooming Grove, Tax Map# 107.04-02-65, Pike County, Pennsylvania** (“the Property”) which was held by the Debtor in fee simple Docket Entry No. 1, at 8.
- 3) The Property is the Debtor’s residence and subject to available exemption of \$26,065.00..
- 4) Debtor’s Chapter 13 Plan does not provide for sale of the Property, but Debtor intends to file a Motion to Modify Confirmed Plan to account for the sale.
- 5) Debtor wishes to sell the Property for the sum of for One Hundred Sixty Five Thousand (\$165,000) dollars, to Michael Joseph Considine and Sarah Ellen Considine, unrelated third parties, or their assignees , pursuant to a Standard Agreement for the Sale of Real Estate and any Addendums (“the Agreement”). A true and correct, but redacted, copy of the Agreement, with Addendum, is filed with this Motion as Exhibit B and incorporated herein by reference as though fully set forth at length.
- 6) The Property is encumbered by real estate taxes, municipal liens and mortgage, all of which will be paid in full from the sale proceeds.

- 7) Debtor seeks to retain up to \$29,238.91 of his share of the sale proceeds, based upon his available exemption of \$ 26,065.00 and payments of \$ 3,173.91 to unsecured creditors to date, which includes administrative and priority creditors.
- 8) As such, Debtor intends to satisfy all liens against the Property as they would outside of bankruptcy and believes the proceeds will be more than sufficient to satisfy all liens, pay the co-owner their share of the proceeds, pay counsel for Debtor a \$1,000 flat fee for the Amended Motion To Sell and related provision of appropriate documentation and instructions to Debtors and any settlement agent, pay Debtor up to the amount of \$29,238.91, and pay the remainder of Debtor's share of the sale proceeds to the Chapter 13 Trustee, if any. (Debtor does not anticipate sufficient net proceeds to pay the Chapter 13 Trustee, but it will depend on closing costs.)
- 9) Debtor requests the Honourable Court to allow distribution of the proceeds from the sale of the real estate at settlement, pursuant to the priority of the United States Bankruptcy Court as follows:
 - a. Any out-of-pocket expenses advanced by or on behalf of Debtor or any closing agent in connection with the sale of the Property, and which have not been reimbursed at the time of settlement; then to
 - b. Any notarization, document preparation, mail or wire fees, and/or incidental recording fees associated with the sale of the above property; then to
 - c. Any transfer tax which is the responsibility of the seller; then to
 - d. Any real estate taxes or other municipal liens that are the responsibility of the Seller; then to
 - e. Quicken Loans, LLC Formerly Known as (FKA) Quicken Loans Inc.'s mortgage to be paid in full at the time of closing subjected to a current payoff amount; then to
 - f. Any real estate commissions due; then
 - g. \$1,000 to Attorney for Debtor, Mark E. Moulton; then
 - h. up to \$29,238.91 to Debtor, then, if any funds remain, to
 - i. Charles J. DeHart, Chapter 13 Trustee.
- 10) As all liens are being paid as they would outside of bankruptcy, Debtor requests that the Order Granting this Motion not be subject to the stay of order otherwise provided by Federal Rule of Bankruptcy Procedure 6004(h).

WHEREFORE, Debtor JASON TOMPKINS prays this Honourable Court for an Order that GRANTS this Amended Motion To Sell Real Property Of The Estate Subject To 11 USCS 363(B) 131 Willow Drive - Hemlock Farms, Blooming Grove, Tax Map# 107.04-02-65, Pike County, Pennsylvania, AUTHORIZES Debtor to sell the real property known as 131 Willow Drive - Hemlock Farms, Blooming Grove, Tax Map# 107.04-02-65, Pike County, Pennsylvania to Michael Joseph Considine and Sarah Ellen Considine, unrelated third parties, or their assignees, for One Hundred Sixty Five Thousand (\$165,000) dollars, in accordance with the Standard Agreement for the Sale of Real Estate and any Addendums , to allow Debtor to execute all papers and documents necessary to transfer their interest and that of the Estate in said real estate and to effectuate said sale, that provides that such Order not be subject to the stay of order otherwise provided by Federal Rule of Bankruptcy Procedure 6004(h), and for such other and further relief as the Honorable Court deems just and appropriate.

Moulton & Moulton, PC

By: /s/ Mark E. Moulton

Mark E. Moulton, Esquire

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In re: JASON TOMPKINS, : Chapter 13
Debtor , : Case No. **5:18-bk-02383**

NOTICE

Debtor JASON TOMPKINS of 131 Willow Drive - Hemlock Farms, Blooming Grove, Tax Map# 107.04-02-65, Pike County, Pennsylvania filed an **Amended Motion To Sell Real Property Of The Estate Subject To 11 USCS 363(B) 131 Willow Drive - Hemlock Farms, Blooming Grove, Tax Map# 107.04-02-65, Pike County, Pennsylvania**, seeking authority to sell said property to **Michael Joseph Considine and Sarah Ellen Considine**, unrelated third parties, or their assignees , for **One Hundred Sixty Five Thousand (\$165,000) dollars** via private sale. The sale is not subject to higher bids or offers. Inquiries with regard to the property and the sale should be directed to Counsel for Debtor. A copy of the of the Motion can be obtained from Attorney for Debtor (whose contact information is below.)

If you object to the relief requested, you must file your objection/response **by April 9th, 2021** with the Clerk of Bankruptcy Court **197 South Main Street, Room 274, Wilkes-Barre, PA 18701** and serve a copy on Attorney for Debtor (whose contact information is below.) Inquiries with regard to the property and the sale should be directed to the Licensed Broker, and not to the Clerk.

If you file and serve an objection/response within the time permitted, the Court will schedule a hearing and you will be notified. If you do not file an objection/response within the time permitted, the Court will deem the motion unopposed and proceed to consider the motion without further notice or hearing and may grant the relief requested.

Date: March 19, 2021

Moulton & Moulton, PC

By: /s/ Mark E. Moulton
Mark E. Moulton, Esquire

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

In re: JASON TOMPKINS , : Chapter 13
Debtor , : Case No. 5:18-bk-02383

ORDER

Granting the Amended Motion To Sell Real Property Of The Estate Subject To 11 USCS 363(B) 131 Willow Drive - Hemlock Farms, Blooming Grove, Tax Map# 107.04-02-65, Pike County, Pennsylvania

AND NOW upon consideration of the Amended Motion To Sell Real Property Of The Estate Subject To **11 USCS 363(B) 131 Willow Drive - Hemlock Farms, Blooming Grove, Tax Map# 107.04-02-65, Pike County, Pennsylvania**, objections, if any, and hearing, if any, it is hereby ORDERED that said Motion is GRANTED. It is further ORDERED that Debtor be and is hereby AUTHORIZED to sell the real property known as **131 Willow Drive - Hemlock Farms, Blooming Grove, Tax Map# 107.04-02-65, Pike County, Pennsylvania**, to **Michael Joseph Considine and Sarah Ellen Considine**, unrelated third parties, or their assignees, for **One Hundred Sixty Five Thousand (\$165,000) dollars** in accordance with the Agreement of Sale and any Addendums. It is further ORDERED that Debtor be and is hereby AUTHORIZED to execute any all documents necessary to complete the sale, in person or by power of attorney.

IT IS FURTHER ORDERED that distribution of the proceeds from the sale of the real estate at settlement, be made as follows:

- a. Any out-of-pocket expenses advanced by or on behalf of Debtor or any closing agent in connection with the sale of the Property, and which have not been reimbursed at the time of settlement; then to
- b. Any notarization, document preparation, mail or wire fees, and/or incidental recording fees associated with the sale of the above property; then to

- c. Any transfer tax which is the responsibility of the seller; then to
- d. Any real estate taxes or other municipal liens that are the responsibility of the Seller;
then to
- e. Any mortgage secured by the Property; then to
- f. Any real estate commission due; then
- g. \$1,000 to Attorney for Debtor, Mark E. Moulton; then
- h. up to \$29,238.91 to Debtor, then, if any funds remain, to
- i. Charles J. DeHart, Chapter 13 Trustee.

IT IS FURTHER ORDERED that this Order is not subject to the stay of order otherwise provided by Federal Rule of Bankruptcy Procedure 6004(h).

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FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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CERTIFICATE OF SERVICE: NOTICE OF & Amended Motion To Sell Real Property Of The
Estate Subject To 11 USCS 363(B) 131 Willow Drive - Hemlock Farms, Blooming Grove, Tax
Map# 107.04-02-65, Pike County, Pennsylvania

I certify that I am more than 18 years of age and that on **March 19, 2021**, I caused to be served a true and correct copy of the Amended Motion To Sell Real Property Of The Estate Subject To 11 USCS 363(B) 131 Willow Drive - Hemlock Farms, Blooming Grove, Tax Map# 107.04-02-65, Pike County, Pennsylvania and related Notice on the following parties in the indicated manner:

<i>Name and Address</i>	<i>Mode of Service</i>
Rebecca Ann Solarz, Esquire (Counsel of Record for Quicken Loans Inc)	CM/ECF Service
James Warmbrodt, Esquire (Counsel of Record for Quicken Loans Inc)	CM/ECF Service
James Warmbrodt, Esquire (Counsel of Record for Toyota Motor Credit Corporation)	CM/ECF Service
John H. Doran, Esquire (Counsel of Record for Hemlock Farms Community Association)	CM/ECF Service
John Lindinger, Esquire (Counsel of Record for IRS .)	EFFAX
Capital One Bank (USA), N.A. by American InfoSource LP as agent	CM/ECF Service
Verizon by American InfoSource LP as agent	CM/ECF Service
Premier Bankcard MC, Jefferson Capital Systems, LLC Assignee	CM/ECF Service
Onemain Financial Services, Inc.	CM/ECF Service
Charles J. DeHart, III, Chapter 13 Trustee	CM/ECF Service
United States Trustee	CM/ECF Service

Date: March 19, 2021

/s/ Mark E. Moulton
Mark E. Moulton
Attorney for Debtor
Moulton & Moulton, PC
693 Route 739
Hawley, PA 18428
(570) 775-9525; fax (570) 775-0676